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EXAMINER

WONG, ALLEN C

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 15

Application Number: 09/452,952
Filing Date: December 02, 1999
Appellant(s): FREDERICK, PAUL J.

Chad C. Anderson and Clifton McCann
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief and supplemental brief on appeal filed September 18, 2001 and October 15, 2001, respectively.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-14 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

✓ 5,600,368	Matthews, III	2-1997
✓ 5,894,320	Vancelette	4-1999

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 4-6, 10 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews (5,600,368).

Regarding claim 1, Matthews discloses a method for distributing video images of a racing event comprising the steps of providing each of a plurality of participants in said event with a video camera (see fig.2; note cameras 42-48 captures images from seven different locations on a baseball field, a sporting event, like camera 42 captures images from the center field position and camera 48 captures images from third base, etc.), providing each of said cameras with a respective transmitter (col.7, lines 13-15; note Matthews teaches that a camera control signal is transmitted via a "communication link"; even though the term "transmitter" is not used but the terms "transmitted" inherently implies that a transmitter must exist for a signal to be transmitted, thus, Matthews must inherently disclose a transmitter for transmitting video information) for transmitting information regarding video images generated by the camera, providing retransmission equipment (see fig.4 and col.5, lines 36-46; note set-top box 24 is the retransmission equipment for receiving the video information and directing the information to the remote viewers' locations, to the television 20 in fig.1) for receiving information transmitted by the transmitter and directing information regarding video images from each of the plurality of cameras to respective channels for remote viewing at viewers' locations, providing channel selectors (col.5, lines 33-35; note element 74 is a channel selector) that permit viewers to select from among the channels, simultaneously operating said cameras during the entertainment event so as to generate a plurality of camera feeds during the event (see fig.2), each feed reflecting a perspective of a

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respective participant (see fig.2; note each camera from 42-48 reflect a different view of each different respective camera position), transmitting the plurality of feeds to the retransmitting equipment (col.7, lines 13-15; note Matthews teaches that a camera control signal is transmitted via a "communication link"; even though the term "transmitter" is not used but the terms "transmitted" inherently implies that a transmitter must exist for a signal to be transmitted, thus, Matthews must inherently disclose a transmitter for transmitting video information), and retransmitting the feeds to said channels, such that a viewer is allowed to select from a plurality of said channels (col.5, lines 33-35; note element 74 is a channel selector) to thus enable viewing of the sporting event through the perspective of one or more participants of greatest interest to the particular viewer.

Although Matthews may not appear to disclose the teaching of seeing perspectives of all participants at all angles, Matthews does teach that the event can be seen in numerous views from all participants. Also, the system disclosed by the applicant is reminiscent from the real NASCAR scene, NASCAR 95 (ie. video game), and helmet cameras installed on race cars, Arena Football League players dating back to 1990. Therefore, it would have been obvious for one of ordinary skill in the art to place cameras at sporting event participants for obtaining video images so as to entertain and satisfy the viewing audience, as evidenced by the NASCAR, NASCAR 95 (ie. video game) and Arena Football League scene.

Note claim 14 has similar corresponding elements.

As for claim 5, 6, 10 and 12, Matthews discloses that the camera feed is generated for all participants (see fig.2; note cameras 42-48 obtain images from various locations) and that the images selected by the viewer can be viewed on a display monitor screen (fig.1, 22).

Regarding claim 4, although Matthews may not appear to mention the transmission of video information by way of the Internet, it would have been obvious to one of ordinary skill in the art to use the Internet for conveniently viewing video information on a computer when one does not have a television available.

Regarding claim 13, although Matthews may not appear to mention that the interactive television system can be used in a race car competition, Matthews suggests that the interactive television system can be used for numerous sporting events, Matthews decides to use baseball as an example of how the his interactive television system can be implemented. Therefore, one of ordinary skill in the art would obviously take Matthew's teaching of interactive television system and manipulate it into a race car competition scene for providing an amazing and thrilling experience for race car audiences.

Claims 2, 3, 7-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews in view of Vancelette (5,894,320).

As for claim 2, Matthews does not mention the use of audio information that accompanies the video information, however Vancelette teaches that the viewer can listen to an audio feed of the sporting event's participants (col.5, lines 42-47).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the

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teachings of Matthews and Vancelette for allowing the viewer to experience the participant's perspective and provide a sense of realism.

Regarding claim 3, Matthews discloses a cable system (see fig.4) is used, but Matthews does not appear to mention transmitting video information by way of pay-per-view television system, however Vancelette teaches the use of pay-per-view (col.7, lines 63-65). It would have been obvious to one of ordinary skill in the art to use pay-per-view television system for providing the viewer a plurality of viewing options for viewers' convenience. Also, it is obvious and inherent that all cable companies have pay-per-view services for viewers' viewing pleasure and accessibility.

As for claims 7 and 8, Matthews does not appear to mention having advertisements in his interactive television system, however, Vancelette teaches the use of advertisements (col.7, lines 58-67; note the term "marketing scheme" implies advertisements). Therefore, it would have been obvious to one of ordinary skill in the art to use advertisements for providing the viewing audience a glimpse or preview of upcoming events on television so that the viewer can plan ahead on what events to watch.

Regarding claims 9 and 11, Matthews may not appear to disclose the use of gathering viewer's requests for which camera feed of the sporting event is most common, however, Vancelette teaches the use of a rating scheme for gathering statistics on what most people watch and which camera feed is the most common (col.7, lines 65-67), and essentially gathering ratings is equivalent to gathering viewer's requests. Therefore, it would have been obvious to one of ordinary skill in the art to

combine the teachings Matthews and Vancelette for obtaining a full and complete report on what the viewers like and dislike on television.

(11) Response to Argument

Claims 1, 13 and 14

Regarding lines 9-11 on page 6 of appellant's arguments, the appellant asserts that the examiner's contention that the only difference between the claimed invention and the prior art is a mere change in camera angle is wrong. The examiner respectfully disagrees. The Matthews reference can be applied for distributing sporting event images, as disclosed in column 1, lines 20-29. A mere change in camera angle is not considered to be patentable because it does not yield any unexpected results. If the camera is directed at a race car driver's perspective, then of course the expected image is from the race car driver's perspective. The adjustment of the camera angle from one scene to another angle is not patentable, as supported by the Federal Court law. In re Stevens, 101 USPQ 284 (CCPA 1954). Also, the shifting location of the camera is not considered patentable because it does not yield any unexpected results, as supported by the Federal Court law. In re Japikse, 86 USPQ 70 (CCPA 1950). If one of ordinary skilled in the art wants a camera at another location or angle, then one of ordinary skilled can easily move the camera to the location that may best suit the users' or the viewers' needs. Matthews discloses that many different cameras can be employed at many different angles to capture the action of the sporting event (col.2, lines 5-8). The relocation of a camera can be moved to any by any one of ordinary skilled in the art for getting the best possible views as one would want or desire.

With regards to lines 7-9 on page 7 of appellant's arguments, appellant argues that Matthews fails to give a plurality of viewers the ability to see or hear what live participants of the viewers' particular interest are seeing or hearing. The examiner disagrees. Matthews teaches a system for distributing live sporting events (col.2, lines 5-8) with multiple cameras in figure 2 where elements 42-48 are cameras located to give a live feed of the participant's perspective to the viewers. Matthews points out that the viewers are given the ability to select the desired camera viewpoint or perspective of the participant that is of interest to the viewer (col.2, lines 19-25).

Regarding page 7, line 19 to page 8, line 4 of appellant's arguments, appellant states that consideration should be given to the present invention because it would provide a "long-felt need" and an "amazing and thrilling experience" in the NASCAR scene. As stated before in the previous Office Actions, paper No. 4 and 9, Matthews teaches that the system for broadcasting sporting events can be employed, as disclosed column 1, lines 20-29. Clearly, NASCAR racing is a sporting event and since the term "sporting event" is broader than NASCAR, the term sporting event encompasses all sporting events including NASCAR, Arena Football, baseball, and all other sporting events. It is common knowledge that NASCAR is a sporting event. Thus, Matthews discloses that the system of distributing sporting events can be adapted to the NASCAR sporting scene.

Claims 13 and 14 are rejected for the same reasons as stated above.

Claim 4

Regarding page 8, lines 10-12 of appellant's arguments, appellant argues that the examiner fails to provide a motivation for modifying the Matthews reference. As disclosed in the previous Office Action, paper No.4, the motivation is to use the Internet for conveniently viewing video information on a computer when one does not have a television available. In other words, the motivation for using the Internet is convenience when one does not readily have access to a television. Sometimes when one is at work or at a location where television broadcasts are not available, then it would be obvious to one of ordinary skill in the art to use the Internet, a well known medium of receiving video transmissions, for viewing. MPEG (Motion Picture Experts Group) and Realplayer are well known video encoding standards used for Internet transmission.

Claims 5, 6, 10 and 12

With regards to lines 22-23 on page 8 of appellant's arguments about claim 5, appellant mentions that Matthews fails to teach the feature of a plurality of images are viewed on a monitor screen. The examiner respectfully disagrees. As previously stated in paper No.4, Matthews' Figure 2, cameras 42-48 obtain a plurality of images and Figure 1, element 22 is a monitor screen where a plurality of resulting images are viewed. Claim 5 is disclosed by Matthews.

Regarding lines 7-9 on page 9 of appellant's arguments about claim 6, appellant states that Matthews fails to teach a monitor screen showing a combination of video images from a camera associated with a participant of particular interest to the viewer and a standard viewing program of the sporting event. The examiner respectfully

disagrees. Matthews teaches the virtual channels that can carry video signals from different cameras, meaning each virtual channel correspond to another camera view of a participant (col.2, lines 10-12). So, if the viewer wants to see a virtual channel, then the viewer will see the combination of video images from a camera associated with a participant of particular interest. Matthews also discloses a primary channel that the viewer is familiar (col.2, lines 8-10; note standard viewing program of the sporting event is on the primary channel).

Regarding lines 10-11 on page 9 of appellant's arguments about claim 10, appellant argues Matthews fails to teach the camera feed for all participants in the sporting event. The examiner respectfully disagrees. Please note that Matthews figure 2 shows cameras 42-48 and that camera feed is generated for all participants in the sporting events, where Figure 1, element 22 is the monitor screen for viewing the output of the camera feed.

Regarding lines 16-18 on page 9 of appellant's arguments about claim 12, appellant argues Matthews fails to teach the viewer selection of camera feed relating to a group of participants, wherein the group consists of participants of a particular team or participants that are predicted winners. The examiner respectfully disagrees. Please note that Matthews figure 2 shows cameras 42-48 and that camera feed is generated for all participants in the sporting events, where Figure 1, element 22 is the monitor screen for viewing the output of the camera feed. Matthews teaches the user's flexibility of selecting a desired viewpoint in the sporting event, as disclosed in column 2, lines 22-25. Clearly, Matthews permit the viewer to select the camera feed that relates to the

participants that are predicted winners. Claim 12 is well within the scope of the confines of Matthews.

Claims 2, 3, 7-9 and 11

With regards to lines 17-20 on page 10 of appellant's arguments about claim 2, appellant argues that Vancelette does not teach the listening to an audio feed of the sporting event's participants. The examiner respectfully disagrees. Matthews does not mention the use of audio information that accompanies the video information, however Vancelette teaches that the viewer can listen to an audio feed of the sporting event's participants (col.5, lines 42-47). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Matthews and Vancelette for allowing the viewer to experience the participant's perspective and provide a sense of realism. Evidently, a "field level audio feed" can be broadly considered as audio information of the sporting event's participants because the audio data is taken from the field. The combination of Matthews and Vancelette is considered proper because it would have been obvious to one of ordinary skilled to include a microphone to each participant so as to gain the feel of the ambiance and the realism of the sporting event.

Claim 3 is rejected for the same reasons as given above in regard to claim 1.

Regarding lines 11-12 on page 11 of appellant's arguments about claims 7 and 8, appellant contends that Vancelette's "marketing scheme" has nothing to do with interspersing advertising into a broadcast. Vancelette teaches the head end operator may insert video, audio data according to a "marketing scheme" for transmission to customers (col.7, lines 58-67). Thus, Vancelette implies the use of marketing certain

sporting events, such as pay-per view boxing or wrestling, or advertisements from department stores, so as to garner as much revenue as possible from customers.

The concept of promoting or advertising events or commercials is well known by one of ordinary skilled.

With regards to lines 20-22 on page 11 of appellant's arguments about claim 9, appellant asserts that the examiner misuses Vancelette's term "rating scheme". The examiner respectfully disagrees. The rating scheme as described by Vancelette is relevant because based on the audience or the viewers, the rating scheme is one possible way of determining what viewers may want to view, thus the collection of viewers' demand can be obtained. Also, in column 7, lines 60-65, Vancelette discloses the viewers who pay an additional fee in addition to the basic fee would be eligible to access some more special programming. Thus, Vancelette implies the use of a statistics gatherer for aggregating or tracking the viewer's requests otherwise one would not be able to authorize the viewers to watch the special programming.

Regarding lines 20-23 on page 12 of appellant's arguments, please see the above paragraph. The arguments are answered in a similar manner regarding the "rating scheme".

Regarding lines 16-18 on page 13 of appellant's arguments, please see the paragraph "With regards to lines 20-22 on page 11 of appellant's arguments about claim 9" on this Office Action. The arguments are answered in a similar manner regarding the "rating scheme".

In conclusion, both Matthews and Vancelette are considered relevant to the case because both references pertain to the interactive television system with multiple viewer selectable camera viewpoints for viewing live programming events. To one of ordinary skilled, the combination of the teachings of Matthews and Vancelette would have obviously suggested the present invention since both references are analogous to one another.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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December 20, 2001

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